

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BSG RESOURCES (GUINEA) LIMITED, BSG  
RESOURCES (GUINEA) SARL, and BSG  
RESOURCES LIMITED,

Plaintiffs,

v.

GEORGE SOROS, OPEN SOCIETY FOUNDATIONS,  
OPEN SOCIETY INSTITUTE, FOUNDATION TO  
PROMOTE OPEN SOCIETY, OPEN SOCIETY  
FOUNDATION, INC., ALLIANCE FOR OPEN  
SOCIETY INTERNATIONAL INC., OPEN SOCIETY  
POLICY CENTER, and OPEN SOCIETY FUND,

Defendants.

**No. 1:17-cv-02726 (JFK) (OTW)**

**DECLARATION OF BENJAMIN P. MCCALLEN**

I, BENJAMIN P. MCCALLEN, pursuant to 28 U.S.C. § 1746, declare as follows:

I am a member of the bar of this Court and of the law firm of Willkie Farr & Gallagher LLP, counsel for George Soros, Open Society Foundations (“OSF”), Open Society Institute, Foundation to Promote Open Society, Open Society Foundation, Inc. (“OSFI”), Alliance for Open Society International, Inc., Open Society Policy Center, and Open Society Fund (collectively, “Defendants”). I submit this declaration in support of Defendants’ Motion to Compel the Depositions of Benjamin (Beny) Steinmetz and Dag Lars Cramer, dated May 21, 2021.

1. Attached hereto as **Exhibit LL** is a true and correct copy of the Judgement of the Criminal Court of the Republic of Canton and Geneva, dated January 22, 2021 with certified English translation of excerpts, as filed in *Vale S.A. v. BSG Resources Limited*, No.

1:19-cv-03619 (S.D.N.Y.) on May 14, 2021, ECF No. 74-8. Relevant portions have been highlighted by defense counsel for the Court's convenience.

2. Attached hereto as **Exhibit MM** is a true and correct copy of the transcript of the Part 71 examination of Dag Lars Cramer, dated November 17, 2020 in *Vale S.A. v. BSG Resources Limited (in Administration)*, as filed in *Vale S.A. v. BSG Resources Limited*, No. 1:19-cv-03619 (S.D.N.Y.) on May 14, 2021, ECF No. 74-19. Relevant portions have been highlighted by defense counsel for the Court's convenience.

3. Attached hereto as **Exhibit NN** is a true and correct copy of Vale S.A.'s Memorandum of Law In Support of Motion to Compel Compliance with The Discovery Requests to Benjamin (Beny) Steinmetz as Alter Ego of BSGR, dated May 14, 2021, as filed in *Vale S.A. v. BSG Resources Limited*, No. 1:19-cv-03619 (S.D.N.Y.), ECF No. 73.

4. I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 21, 2021  
New York, New York

/s/ Benjamin P. McCallen  
Benjamin P. McCallen